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THE LEGAL CONFRONTATIONS
BETWEEN
KING JAMES I OF ENGLAND
AND
CHIEF JUSTICE SIR EDWARD COKE

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James I, during his reign as King of England, sought to extend the power and authority of the English monarchy. Firmly believing in divine right absolute monarchy, he desired to subordinate the Parliament and the common law courts to the Crown. James encountered fierce opposition in his attempts to extend royal privileges and prerogatives. In the contest between James and the common law courts, Sir Edward Coke arose as the chief defender of the supremacy of common law and the independence of the common law courts.

James I set forth his views on the role of a monarch in his The Trew Law of Free Monarchies. James believed his place on the throne was ordained by God and felt that his subjects should:

Obey his commands in all things, except directly against God, as the commands of God's Minister, acknowledging him a Judge set by God over them, having power to judge them, but to be judged onely by God, whom to onely he must give count of his judgment; fearing him as their Judge, loving him as their father; praying for him as their protectour; for his continuance, if he be good; for his amendment, if he be wicked; following and obeying his lawfull commands, eschewing and flying his fury in his unlawfull, without resistance, but by sobbes and teares to God, according to that sentence used in the primitive Church in the time of the persecution.

James I viewed the common law judges as agents of the Crown and held that he could supersede their judgments at will since he believed the king was above the law. James I viewed royal prerogative as the supreme instrument of authority and when conflicts of jurisdiction arose between the extralegal courts and the common law courts, he felt he possessed the authority to settle the dispute. James I believed that the ultimate legal authority rested in the king:

For although a just Prince will not take the life of any of his subjects without a cleare law; yet the same lawes whereby he taketh them, are made by himselfe, or his predecessors; and so the power flowes alwaies from him selfe; as by daily experience we see, good and just Princes will from time to time make new lawes and statutes, adjoyning the penalties to the breakers thereof, which before the law was made, had beene no crime to the subject to have committed. . . . that the King is above the law, as both the author and giver of strength thereto; yet a good king will not onely delight to rule his subjects by the lawe, but even will conforme himselfe in his owne actions thereunto, alwaies keeping that ground, that the health of the common-wealth be his chiefe lawe: And where he sees the lawe doubtfulsome or rigorous, hee may interpret or mitigate the same; And therefore generall lawes, made publikely in Parliament, may upon known respects to the King by his authoritie bee mitigated, and suspended upon causes onely known to him.²

Sir Edward Coke, prior to his appointment to the bench, had been an unscrupulous and uncompromising supporter of royal prerogative while he served as Attorney General. Coke had viciously prosecuted those who had committed crimes against the Crown, sometimes perverting the law so as to deny an individual his liberty. One notable example is Coke's prosecution of Sir Walter Raleigh for treason in which he relied upon much dubious evidence. Coke flew into blind rages innumerable times during the trial and had to be constantly corrected by the judge. When Coke was elevated to Chief Justice of the Common Pleas in 1606, he no longer supported royal prerogative, but took up the cause for the supremacy of common law. According to Coke, the common law was "the supreme law in the state, and the judges, unfettered and uncontrolled save by the law itself, were the sole exponents of this supreme law."³ Coke wanted the common law courts to serve as the arbiters in disputes between the king and subject. He felt that the common law was "the heritage of every British (Sic) subject, who cannot be deprived of the rights it gives him excepting by his own consent

manifested through an act of Parliament."⁴ Coke maintains that justice in England "depended on the freedom of the common law bench to interpret and apply the ancient law of the land."⁵ Coke believed that royal prerogative was subject to legal limitations, and that the king had no authority to interfere in common law matters as stated in his fourth Report:

The laws of England consist of three parts, the Common Law, customs, and acts of Parliament: for any fundamental point of the ancient laws and customs of the realm, it is a maxim in policy, and a trial by experience, that the alteration of any of them is most dangerous; for that which hath been refined and perfected by all the wisest men in former succession of ages, and proved and approved by continual experience to be good and profitable for the commonwealth, cannot without great hazard and danger be altered or changed.⁶

It was therefore inevitable that Coke and James I would be involved in numerous confrontations concerning royal prerogative and common law.

Since Henry VIII's reign, the extralegal courts under the Crown had gained increasing authority and jurisdiction. To many, justice through the common law courts was too expensive and too slow in the making. Common law had also become very complex and in some situations inadequate. An increasing number of people were therefore bringing suit in the extralegal courts which were not bound to common law but were controlled by the king. Judges in these courts could resort to torture and ex-officio oaths. Juries were not used. These courts administered a rather arbitrary justice. James I relied heavily upon the extralegal courts in his effort to dominate and subvert the authority of the common law courts. The common law courts naturally opposed the extralegal system and the efforts of the king to infringe on the

authority of the common law courts. To combat the usurpation of authority, writs of prohibition could be issued to extralegal courts by the common law courts. These writs restrained the extralegal courts from proceeding in certain cases and transferred the cases to the appropriate common law court.

In 1605 Archbishop Bancroft presented the Star Chamber with the Articuli Cleri, articles which complained about the use of prohibitions in the Court of High Commission. Bancroft feared that the common law courts were trying to completely erode the authority of the ecclesiastical court. At this time, the common law judges successfully argued that their issuances of prohibitions were entirely within the law. Coke, upon joining the bench, issued increasingly greater numbers of writs in an effort to subvert the ecclesiastical court and expand the jurisdiction of the common law courts.

In 1607 the Court of the King's Bench attempted to limit the jurisdiction of the Court of High Commission in Fuller's Case. Fuller, while arguing before the King's Bench on behalf of two fellow Puritans imprisoned by the High Commission, denied that the High Commission had any authority to fine or imprison, and accused the ecclesiastical court of being a Popish authority which threatened the true doctrine of the Church. Fuller was later summoned before the High Commission to account for his attack upon its authority. The High Commission found him guilty of holding schismatic opinions and fined him £200 and placed him in prison. Fuller appealed to the Court of King's Bench. The King's Bench decided that the High Commission could fine and imprison one for holding schismatic views but it denied that it

could punish a lawyer for anything he said in his argument. It was decided that Fuller's sentence was legitimate since he was punished for holding schismatic views. The judges of the King's Bench claimed that it was in their power to determine the limits of ecclesiastical jurisdiction. Under this assumption, the common law courts continued issuing writs of prohibition to the High Commission.

In 1608 Bancroft renewed his complaints against the writs of prohibition and sought to enhance his argument by stating that the judges were just mere agents of the king and that the king "may take what causes he shall please to determine from the determination of the Judges, and may determine them himself."⁷ James was much impressed and fully supported Bancroft's absolutist doctrine. Coke, however, upon being summoned before the king and Privy Council, countered Bancroft's claim by saying:

. . . that the King in his own Person cannot adjudge any Case, either criminal, as Treason, Felony, etc, or betwixt Party and Party, concerning his Inheritance, Chattels, or Goods, etc., but this ought to be determined and adjudged in some Court of Justice, according to the Law and Custom of England, . . . so that the Court gives the Judgment.⁸

Coke captured what next transpired in his Reports:

Then the King said that he thought the law was founded upon Reason, and that he and others had Reason as well as the Judges. To which it was answered by me, that true it was, that God endowed his Majesty with excellent Science, and great Endowments of Nature; but his Majesty was not learned in the Laws of his Realm of England, and Causes which concern the Life, or Inheritance, or Goods, or Fortunes of his Subjects, are not to be decided by natural Reason, but by the artificial Reason and Judgment of Law, which Law is an Act which requires long Study and Experience, before that a Man can attain to the Cognizance of it; and that the Law was the Golden Met-wand and Measure to try the Causes of the Subjects; and which protected his Majesty in Safety and Peace. . . .⁹

James became very angry at Coke's implication of the king being

under the law, which to him seemed as a treasonable assertion. Coke responded to James, quoting the great English lawyer Bracton, "The king is not to be under any man, but under God and the law."¹⁰ After this episode with the king, Coke continued issuing writs to the Court of High Commission.

While Coke was combatting Bancroft and James I over the authority of the High Commission, he began attacking the authority of other extralegal courts. Coke held that the jurisdiction given the Council of the North over certain criminal and civil matters was illegal. Coke desired to place the growing mercantile and commercial interests of England under the common law jurisdiction; he therefore assaulted the basis and authority of the Court of Admiralty.¹¹ Coke bombarded both these extralegal courts with writs of prohibition. Upon being summoned before the Star Chamber to account for some of the prohibitions, Coke remarked defiantly:

We do hope that whereas the Judges of this realm have been more often called before your Lordships than in former times they have been, which is much observed, and gives much emboldening to the vulgar, that after this day we shall not be so often, upon such complaints, your Lordships being truly informed of our proceedings, hereafter called before you.¹²

In 1610 the House of Commons, being alarmed at James I's attempts to supersede its authority by way of royal proclamations which amended the existing law, addressed the king:

It is apparent both that proclamations have been of late years much more frequent than before, and that they are extended not only to the liberty, but also to the goods, inheritances, and livelihood of men; some of them tending to alter points of the law, and make them new; others some made shortly after a session of Parliament, for matter directly rejected in the same session; others appointing punishments to be inflicted before lawful trial and conviction. . . .¹³

Parliament in 1547 had passed an act which deprived royal

proclamations of the same legal status as statutes. James I summoned Coke to appear before the Privy Council to give his opinion on the matter. Coke was asked by the Council whether the king by proclamation could prohibit the construction of buildings in and about London and whether the king could prohibit the making of starch from wheat. Coke realized the important nature of the questions and desired to discuss them with his fellow judges. Before he was dismissed, the Lord Chancellor encouraged Coke to maintain the authority of royal prerogative and in cases where no precedent or authority exists, the king should be free to act according to his will. Coke responded by saying that in the absence of precedent or authority great consideration is needed so as to provide that novelty not be against the law of the land.¹⁴ After consulting with his fellow judges, Coke concluded:

. . .that the King by his Proclamation cannot create any Offence which was not an Offense before, for then he may alter the Law of the Land by his Proclamation in a high Point; for if he may create an Offense where none is, upon that ensues Fine and Imprisonment; Also the Law of England is divided into three Parts, Common Law, Statute Law, and Custom; but the King's Proclamation is none of them: Also Malum aut est malum in se, aut prohibitum, that which is against Common Law is malum in se, malum prohibitum is such an Offense as is prohibited by Act of Parliament, and not by Proclamation.

Also, it was resolved, that the King hath no Prerogative, but that which the Law of the Land allows him.

But the King for Prevention of Offenses may by Proclamation admonish his subjects that they keep the Laws, and do not offend them, upon Punishment to be inflicted by the Law.

Lastly, if the Offence be not punishable in the Star Chamber, the Prohibition of it by Proclamation cannot make it punishable there. . .¹⁵

Coke had stood fast, prohibiting any interference by the king with established law. After this resolution, James ceased issuing royal proclamations which imposed fines or imprisonment.

In 1611 Coke, along with his fellow judges on the Common Pleas, challenged the authority of the High Commission to imprison one for adultery. The judges held that the High Commission had no authority to do so and ordered the release of one Chancey who had been imprisoned. The judges again claimed the authority to determine the jurisdiction of the ecclesiastical court. James conceded and proposed to reform the Commission. In an attempt to defuse the common law judges' assault on ecclesiastical courts, Archbishop Abbott urged James I to place Coke, along with several other common law judges, on the reformed High Commission. When the new Commission convened, Coke refused to sit. He argued that he was not acquainted with the decrees contained in the new Commission and that there was no necessity that he sit on it since several other common law judges were familiar with it.¹⁶ Abbott pleaded with Coke to sit but Coke remained adamant. Abbott finally read the new Commission to Coke after which Coke stated that it "contained divers Points against the Laws and Statutes of England."¹⁷ The other common law judges then refused to sit on the Commission and followed Coke out as he left the assembly.

As time passed, Coke became increasingly obstinate in his defense of common law, which due to his highly influential judicial position, posed a serious obstacle to James I's efforts to extend his prerogative. James I, however, did not want to dismiss him, because Coke was by far the outstanding legal scholar of his time and his reverence for the common law "was an intensified expression of deep-seated national sentiment."¹⁸

As Coke seemed to be gaining ground in his fight for the supremacy of common law, James I found a formidable ally to his

viewpoint in Sir Francis Bacon, Bacon was a brilliant and strong supporter of the supremacy of royal prerogative. As the king's Solicitor General, Bacon was convinced that the common law judges had no right to hold positions independent of the Crown. Bacon felt that the judges should actually defend and bolster royal prerogative. Bacon made his position clear in a speech to one of the judges, stating:

And therefore it is proper for you by all means with your wisdom and fortitude to maintain the laws of the realm. Wherein, nevertheless, I would not have you head-strong, but heart-strong; and to weigh and remember with yourself that the twelve Judges of the realm are as the twelve lions under Solomon's throne: they must be lions, but yet lions under the throne: they must shew their stoutness in elevating and bearing up the throne.¹⁹

Bacon felt that mere common law judges lacked the proper ability to handle the profound political and administrative questions of the day. Bacon felt such matters should be disposed of by the king's ministers who possessed political knowledge and administrative experience.²⁰ Bacon along with the other royal councilors, felt that orderly and efficient government could be achieved only by using and perhaps increasing royal authority.

In 1613 Sir Thomas Fleming, the Chief Justice of the King's Bench, died. Bacon, a longtime bitter enemy of Coke, urged James I to promote Coke to the position, for it was of less influence and significance. The King's Bench adjudicated criminal offenses committed against the Crown, thereby offering fewer opportunities for probing into the limits of royal prerogative than did the Common Pleas which adjudicated civil disputes between the king and subject. Bacon also urged James I to promote him to the Attorney Generalship. Bacon stated his reasons for promoting Coke in a

letter to James I:

First it will strengthen the King's causes greatly amongst the judges. For both my Lord Coke will think himself near a privy councillor's place, and thereupon turn obsequious, and the attorney general, a new man and a grave person in a judge's place, will come in well to the other and hold him hard to it, not without emulation between them who shall please the King best.

. . . Besides, the remove of my Lord Coke to a place of less profit (though it be with his will) yet will be thought abroad a kind of discipline to him for opposing himself in the King's causes, the example whereof will contain others in more awe.²¹

James agreed with Bacon's logic and on October 25, 1613, promoted a very reluctant Coke to Chief Justice of the King's Bench and a very eager Bacon to the Attorney Generalship. John Chamberlain captured the mood of Coke's departure from the Common Pleas in a letter to Sir Dudley Carleton:

On Monday the Lord Cooke (though nere so loth) was called up into the Kings Bench and there sworne Cheife Justice. He parted dolefully from the Common Place, not only weeping himself, but followed with the teares of all that bench and most of the officers of that court. . . . There is a strong apprehension that litle goode is to be expected by this chaunge, and that Bacon may prove a daungerous instrument.²²

Coke, however, did not turn obsequious in his new position, but remained as rigid as ever in his defence of the common law against encroachment by the Crown. In 1614 he made a determined but unsuccessful attempt to preclude the royal practice of consulting judges about cases pending in their courts. That year, Edmond Peacham, a rural rector, had been arrested for libelling a bishop, and upon a search of his home, materials of a potentially treasonous nature had been discovered. Since the materials were neither published nor used in a sermon, the king's councillors were not sure whether Peacham would be convicted for treason. James I, therefore, instructed Bacon to consult the judges of the King's Bench as to whether a conviction could be obtained.

James I urged Bacon to consult the judges separately, to diminish any collective influence and to subvert the very strong influence Coke possessed over his fellow judges. When confronted by Bacon, Coke responded that "judges were not to give opinions by fractions, but entirely according to the vote, whereupon they should settle upon conference, and that this auricular taking of opinions, single and apart, was new and dangerous."²³ Bacon responding to Coke's assertion argued:

. . .that judges sometimes might make a suit to be spared for their opinion, till they had spoken with their brethren; but if the King upon his own princely judgment, for reason of estate, should think it fit to have it otherwise, and should so demand it, there was no declining: nay that it touched upon a violation of their oath, which was to counsel the King; without destination whether it were jointly or severally.²⁴

Upon being informed that the other judges had responded favorably, Coke acquiesced and gave a negative response, which further angered Bacon and James. Peacham was nevertheless brought before the Western Assizes, with Coke having been removed from it, and convicted of treason. In this confrontation Coke did not go so far as to deny the king's right to confer with the judges at all about a case but only the right to confer with judges separately. Coke wanted to prevent the Crown from obtaining the opportunity to intimidate and coerce a judge.²⁵ Coke thought judges in a collective body would discourage such actions by the Crown. Coke recognized that such methods would undermine the integrity and authority of the courts.

In 1615 Coke made a futile attack against the power of the Court of Chancery, a Court of Equity not based on common law, to void decisions rendered in common law courts. Coke believed this interference to be illegal, but the right of the Chancery to do so

was long established as proper legal procedure. Coke's claims against its right were baseless.²⁶ Coke, however, encouraged one Glanville, a swindler who had received a favorable common law decision concerning his grievance, to seek a writ of praemunire against one Courtney, who had appealed the common law decision in Chancery, along with Courtney's counsel, solicitor and the master of the Chancery. This was a ludicrous gesture on the part of Coke, for he clearly abused praemunire, for it was only intended to prohibit appeals from English ecclesiastical courts to the courts of Rome, which was no longer possible.²⁷ The grand jury failed to return an indictment. James I consulted his legal officers on the matter which proclaimed that Chancery could hear cases regardless if they had already been heard in common law courts and that this practice had firm precedents.

The common law bench again came into conflict with the Crown in the case of *Brownlow v. Michell*. In 1611 the King appointed Michell to a newly created Patent Office, which had the responsibility of making certain writs in the Court of Common Pleas. Brownlow, the prothonotary of the Common Pleas, finding that his own fees were reduced because of the new office, brought suit against Michell in the Court of King's Bench, on the grounds that his rights had been violated by Michell. Queen Elizabeth had attempted to create the same office during her reign, but later abandoned the venture when the common law judges objected to her interference with their administrative organization. James I however did not back down to the judges and in 1615 the suit was finally brought before the King's Bench. Bacon arguing for the king did not

bring up the question of whether or not the king had the authority to establish such an office but instead introduced the writ De non procedendo Rege inconsulto. By this writ the common law judges were supposedly prohibited from proceeding with a suit in which the interests of the Crown were concerned, before the suit had first been referred to the Court of Chancery, and its permission had been obtained for the parties to proceed with the suit in a common law court. The writ also required the judges to meet with the king in cases involving royal prerogative. Normally, justice could have been just as easily obtained in a common law court as in a court of equity, but Bacon did not want the present common law judges, led by Coke, to decide on a question of royal prerogative. The common law judges now, however, had to decide on the legality of the writ De non procedendo Rege inconsulto. Bacon argued that the King's Bench had to automatically cease consideration of the case, but the judges decided to continue with the case. Bacon again appeared before the court a few months later and presented an argument steeped in legal technicalities and precedents of the use of the writ. Bacon argued that the king's authority could not be discussed in a suit between common persons, while the king was not a party in the suit. Bacon argued that in order for Brownlow's suit to be considered it would have to be decided in the Court of Chancery, because the king was automatically made a party in suits taken up there.²⁸ Finally, an out-of-court compromise was worked out whereby Brownlow dropped his suit and James I promised not to create any offices in the future which could deprive an existing official of a substantial portion of his income. The important factor about the outcome of the case

is that Bacon had not been able to gain the judges' adherence to the writ De non procedendo Rege inconsulto.

The question, however, of the legality of the writ De non procedendo Rege inconsulto was again brought up a few months later in the case of Commendams. The case involved a dispute arising over the king's grant of a living to a bishop to be held in commendam. During the trial, a Serjeant at Law denied that the king had such a power. Upon hearing that his prerogative was involved, James I ordered Coke to suspend hearings before the King's Bench until he had conferred with the judges. Coke, however, disobeyed this command and proceeded with the hearings. Coke justified his action by stating that a royal prerogative was not involved and that such a suspension would be a delay of justice which was contrary to law. James I was infuriated and upon summoning the judges, he and Coke embarked on a heated debate. Coke remained adamant in his assertion that James' order was illegal. James I argued that Coke could have chosen any convenient day to proceed with the case after consulting with the judges, therefore not making his request a delay of justice. James I also stated that it was up to the king to decide when his prerogative was involved in a case and not for a judge to do so. James then posed the question to the judges:

Whether, if at any time in a case depending before the Judges, which his Majesty conceived to concern him either in power or profit, and thereupon required to consult with them and that they should stay proceedings in the meantime, they ought not to stay accordingly?²⁹

All the judges except for Coke acknowledged that they would and that it was their duty to do so. The judges went further

and promised that they would abstain from saying anything which would weaken the king's prerogative to grant a commendam, but would affirm his right to do so. When Coke was posed the question whether or not he would suspend hearings in the future involving royal prerogative, he defiantly answered, "When the case happens, I shall do that which shall be fit for a judge to do."³⁰

On June 20, 1616, James I met for the first time during his reign in the Star Chamber where he gave a speech on law and government to the top ministers and judges in England. James I explained to them that he was prompted to appear before them because of the continuing belligerent attitude of the common law courts towards royal authority. James I stated in his speech that the judges borrow their power from the king and that it was their duty to interpret the law of the king. James I said that from the beginning of his reign he had had every intention of maintaining the common law, but he went on to say that there existed other types of law in England, namely the law of God, civil and canon law, and that common law must be kept within its own limits. James I then went on to discuss the limits of the common law courts. First he said the courts should not encroach on the prerogative of the Crown and when a case came before them dealing with prerogative, the judges should meet with the king before proceeding with the case. Secondly, James I stated that each court should stay within its own jurisdiction. Quoting James:

And like as I declare that my pleasure is, that every of these (courts) shall keepe their owne limits and bounds; So the Courts of Common Lawe are not to encroach upon them, no more then it is my pleasure that they should encroach upon Common Law. And this is a thing Regall, and proper to a King, to keep every Court within his owne boundes.³¹

The king then went on at great length to detail what he thought was each court's legitimate jurisdiction. While discussing the Court of Chancery, James I made reference to the praemunire affair, of which he remarked was a foolish, inept, and presumptuous thing.

Six days after James I's speech Coke was summoned before the Privy Council where frivolous charges were levied against him. Coke was suspended from his position on the Privy Council and was prohibited from completing his summer circuit as Justice of Assize. In the meantime, it was urged that he correct some grievous mistakes regarding royal prerogative he was supposed to have made in his writings. Coke proceeded to make a few superficial changes in these writings. James I could bear his defiance and opposition no longer and on November 15, 1616, he dismissed Coke from the bench.

Sir Edward Coke's judicial career was one distinguished by many contests and confrontations. Coke strove to uphold the supremacy of common law and the common law judges' right to be the sole arbiters of that law. Such an ambition inevitably brought him into conflict with James I and those who sought to extend royal prerogative and subordinate the common law courts to the Crown. Coke recognized the threat that James I posed to common law and strove hard to defeat the king at his attempts to subvert it. Many of Coke's defiant stands provided precedents for future jurists who sought to expand the authority of the courts of common law. Coke, in his unceasing and selfless protection of common law, became one of its greatest champions.

Footnotes

¹Charles H. McIlwain, The Political Works of James I (Cambridge: Harvard Univ. Press, 1918), p. 61.

²Ibid., p. 63.

³W. S. Holdsworth, A History of English Law (Boston: Little, Brown and Co., 1924), V, p. 428.

⁴Hastings Lyon and Herman Block, Edward Coke, Oracle of Law (Boston: Houghton, Mifflin Co., 1929), p. 186.

⁵John Eusden, Puritans, Lawyers, and Politics in Early Seventeenth-Century England (Yale: Archon, 1968), p. 50.

⁶R. A. MacKay, "Coke - Parliamentary Sovereignty or the Supremacy of the Law?," Michigan Law Review, v. 22, Jan, 1924, p. 217.

⁷Roscoe Pound and Theodore Plucknett, Readings on the History and System of the Common Law (Rochester: Lawyers Cooperative Pub. Co., 1927), p. 185.

⁸Sir Edward Coke, Reports, v. 7, p. 63.

⁹Ibid., p. 63.

¹⁰Eusden, p. 93.

¹¹Theodore Plucknett, A Concise History of the Common Law (Boston: Little, Brown and Co., 1956), p. 663.

¹²Edward Foss, The Judges of England (London: Spottiswoode and Co., 1870), p. 175.

¹³Lord John Campbell, The Lives of the Chief Justices of England (Long Island: Edward Thompson Co., 1894), I, p. 384.

¹⁴George B. Adams, Select Documents of English Constitutional History (New York: The MacMillan Co., 1901), p. 335.

¹⁵Coke, p. 75.

¹⁶Ibid., p. 88.

¹⁷Ibid., p. 89.

¹⁸Holdsworth, p. 435.

¹⁹J. R. Tanner, English Constitutional Conflicts of the Seventeenth Century (Cambridge: Cambridge Univ. Press, 1928), p. 41.

²⁰Samuel R. Gardiner, History of England (London: Longmans, Green and Co., 1883), III, p. 2.

²¹James Spedding, The Works of Francis Bacon (New York: Garrett Press, Inc., 1869), XI, p. 381.

²²Norman E. McLure, Letters of John Chamberlain (Philadelphia: American Philosophical Society, 1939), I, p. 481.

²³Campbell, p. 390.

²⁴Spedding, XII, p. 102.

²⁵Eusden, p. 98.

²⁶Holdsworth, p. 438.

²⁷Gardiner, p. 3.

²⁸Spedding, VII, p. 694.

²⁹J. R. Tanner, Constitutional Documents of the Reign of James I (Cambridge: Cambridge Univ. Press, 1930), p. 196.

³⁰Campbell, p. 392.

³¹McIlwain, p. 333.

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Coke, Sir Edward. Reports. Vol. VII.

Coke's collection of legal reports was a very valuable source. The reports gave detailed analyses of the cases and controversies Coke faced. The reports provided valuable insights into Coke's attitudes and thinking.

McIlwain, Charles H. The Political Works of James I. Cambridge: Harvard Univ. Press, 1918.

This compilation of works by James I provided much knowledge and insight into James I's views on government and the role of the courts. The work was very useful and valuable.

McLure, Norman E. Letters of John Chamberlain. Philadelphia: American Philosophical Society, 1939. Vol. I.

Pound, Roscoe and Theodore Plucknett. Readings on the History and System of the Common Law. Rochester: Lawyers Co-operative Publishing Co., 1927.

Spedding, James. The Works of Francis Bacon. New York: Garrett Press, Inc., 1869. Vols. VII, XI, XII.

A very thorough and scholarly compilation of Bacon's works. The volumes containing his letters were extremely useful and valuable. Spedding provided valuable interpretations of events in the work. The work is well arranged.

Tanner, J. R. Constitutional Documents of the Reign of James I. Cambridge: Cambridge Univ. Press, 1930.

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Campbell, Lord John. The Lives of the Chief Justices of England. Long Island: Edward Thompson Co., 1894. Vol. I.

This lengthy volume set contained a good narrative on Coke's life. Although old and in some parts superficial, the study contained some valuable materials. The work was well written and contained rather lengthy quotations which were useful. The work was based heavily on primary source material.

Eusden, John. Puritans, Lawyers, and Politics in Early Seventeenth Century England. Yale: Archon, 1968.

This specialized study concentrated on specific conflicts and legal aspects of Coke's judicial career. The author discussed the legal implications of the confrontations between Coke and James I and provided useful insights. The work is well written and contains a lengthy bibliography.

Foss, Edward. The Judges of England. London: Spottiswoode and Co., 1870.

Gardiner, Samuel R. History of England. London: Longmans, Green and Co., 1883. Vols. II, III.

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